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Paper No. 12

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JUL 25 2002

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of  
Rolf Jernstrom  
Application No. 09/508,129  
Filed: March 7, 2000  
Attorney Docket No. PAT121USA

This is a decision on the petition under 37 CFR 1.137(b), filed July 9, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to timely file a reply to the non-final Office action mailed August 7, 2001, which set a shortened statutory period for reply of three (3) months. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on November 8, 2001. A Notice of Abandonment was mailed on March 8, 2002.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the request for extension of time was filed on July 9, 2001, subsequent to the maximum extendable period for reply, the request for extension of time cannot be granted. The fee will, therefore, be credited to petitioner's deposit account 19-2381.

The application is being forwarded to Technology Center 3600 for review of the amendment filed July 9, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0010.



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for Patent Examination Policy